

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**JASON McCARTHY and
SUSAN BERRY-SWANSON,**

Defendants.

8:08CR346

ORDER

This matter is before the court on the motion of defendant, Jason McCarthy, for an extension of time in which to file pretrial motions (Doc. 34). For good cause shown,

IT IS ORDERED that the motion (Doc. [34](#)) is granted, as follows:

1. The deadline for filing pretrial motions is extended to **November 20, 2008** as to all defendants.
2. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 6, 2008 and November 20, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Any trial previously scheduled is cancelled, as to all defendants. A new trial date will be set after November 20, 2008 or after the resolution of any substantive pretrial motions which may be filed.

DATED November 5, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge